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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,411	12/03/2001	Franklin Zhigang Zhang		3112
48910	7590	10/03/2005		
FRANKLIN ZHIGANG ZHANG 4808 LAURETTE STREET TORRANCE, CA 90503				
			EXAMINER PHAM, TITO QUANG	
			ART UNIT 2667	PAPER NUMBER

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 10/006,411	<b>Applicant(s)</b> ZHANG, FRANKLIN ZHIGANG	
	<b>Examiner</b> Tito Pham	<b>Art Unit</b> 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/03/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |



**DETAILED ACTION**

1. The drawings are objected to because there is no illustration of reference number 112 in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The disclosure is objected to because of the following informalities: the summary section is repeated twice in the specification.

Appropriate correction is required.



Art Unit: 2667

3. Claims 11, 12, 13, 14, and 15 are objected to because of the following informalities: typographical error in numbering the claims. Claims 11, 12, 13, 14, and 15 will be treated as part of a dependent claim 11. Appropriate correction is required.

4. Claim 2 is objected to because of the following informalities: misspelling of the word "claim" on line 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

In addition, below are the more specific problems with the claims,

In claim 1, the application fails to distinctively claim the invention as one of the following: apparatus, system, or method. The application also fails to point



Art Unit: 2667

out location of "data packaging means," whether it resides in the network or in the PAMD.

Regarding claims 2-7, the application fails to demonstrate the functionality of each domains and neglects to show inter-domain interaction as well as the interaction between domains and TDMN operation means. Core Domain is not mentioned in the specification.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuan.

- With regards to claim 1, Yuan discloses an Internet based time distributed two-way communication (Fig. 6) comprises: Time Distributed Message Network (cellular digital package data (CDPD) network), Personal Mobile Access Device (item 116, column 6 lines 7-14), and data packaging means (mobile device 116 and MDIS 126).



- Regarding claim 2, Yuan reveals a time distributed network (figure 6) comprises Access Domain (mobile database station MDBS 26, column 1 lines 55-61), Core Domain (MDIS, column 1 lines 63-67), and TDMN operations means (Host 130 and home agent 128)
- Regarding claim 3, Yuan shows the Access Domain comprises Access Point and Access Server (mobile database station (BS) in figure 6).
- With regards to claim 4, Yuan discloses the Core domain manages the communication among Access Domains (column 1 lines 63-67).
- Regarding to claims 5, 6, and 7, Yuan discloses the TDMN operations means manage the operation of the TDMN and PAMD, the joint network, and the communication among PAMDs (column 6 lines 25-33, column 10 lines 20-53).
- With regards to claims 8, 9, and 10, Yuan discloses the data packaging means packages data information in message units, and transmits and receives message units via Internet (column 11 lines 19-30). Since the CDPD (cellular digital package data) is a time-distributed network, it's inherent that the transmitting and receiving of message units is time-distributed and the data packaging means package data source into plurality of Time Distributed Message Units.
- Regarding claim 11, Yuan reveals the PAMD comprises means to join in the TDMN (MES 120, column 9 lines 58-59, 63-65), means to convert data resource to be transferred into TDMU and means to convert the received TDMU into original format (column 11 lines 19-



Art Unit: 2667

30), and means to control the communication with other PAMD (Figure 1, column 9 lines 52-67, column 10 lines 1-19).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tito Pham whose telephone number is 571-272-8617. The examiner can normally be reached on 8-5 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tqp



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SUPERVISORY PATENT EXAMINER  
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9/29/05